

PTO/SB/08b (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/580,711-Conf. #3892
				Filing Date	May 18, 2007
				First Named Inventor	Klaus Benke
				Art Unit	1616
				Examiner Name	David Browe
Sheet	1	of	1	Attorney Docket Number	11987-00043-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² -Number ³ -Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
/D.B./	BA	WO-0215940-A2	02-28-2002	Pharmacia Corp et al.		

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ⁵
/D.B./	CA	European Patent Office Communication of a Notice of Opposition dated November 20, 2008.			X
/D.B./	CB	Opposition to EP 1689370 B1 filed November 12, 2008 by ratiopharm GmbH			X
/D.B./	CC	Reply to the Opposition filed June 15, 2009.			X
/D.B./	CD	Reply to Patentee's Statement dated June 15, 2009, filed in European Patent Office on January 8, 2010.			X
/D.B./	CE	Communication dated March 31, 2010 in Opposition to EP 1 689 370B1.			X
/D.B./	CF	Datasheet for Zyvoxid from South African Electronic Package Inserts, 29 May 2001			
/D.B./	CG	AULTON, "Pharmaceutics: The Science of Dosage Form Design", 1998, pp. 136-137 and 154-156.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by its two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

Examiner Signature	/David Browe/	Date Considered	08/12/2010
--------------------	---------------	-----------------	------------

792467